The Reflexive Consensus System:

A New Governance Model

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Abstract

This paper aims to construct a new relationship between state, market, and civil society. It criticizes two prevailing theories, the statist-authoritarian and the interests-bargaining models as neither can confront the new landscape, with the rapid changes and the density of feedback growing faster and stronger. This paper suggests an alternative, the R+PAD (the representative and participatory associational deliberative) Governance model, which emphasizes the reflexive function of various public consensus councils and conferences, in which the agencies of state, market and civil society participate. Due to its stress upon the ever-going flows of reflexive feedbacks among the participating agents, this model can also be called the reflexive consensus system. This paper argues that these reflexive consensus institutions have to be supported by legal codes.

I. Introduction

In the beginning years of the new millennium the Korean society is beset by vociferous outcries and increasing demands from "critical citizens." Their two main agendas are to criticize and intervene in government policies and to enforce the practice of transparent management in the corporate sector. Their demands cover an expansive field: current political issues, social justice, development, environment, human rights, deployment of troops, and democratization of corporate governance. The rise and growing influence of critical citizens and NGOs and NPOs upon government and economic sector are not a phenomenon exclusive to Korea. Advanced countries are more prone to such phenomenon (Norris, 1999; Salamon and Anheier, 1999). However, in the case of Korea, the organized status of civil society actors and institutional, legal support for them are not mature enough to exert much influence; it lacks a system, a conduit, to channel such powers. For that very reason, it becomes more and more difficult to reach agreements on policy issues between government, corporations, and civil society actors, and even in tentative agreements, parties cannot truly consent to their counterparts. In this regard, the need for a practical framework based on mutual agreement, which covers the state—market—civil society, is quite critical.

An ideal social system where mutual agreement amongst various interests is smoothly embraced can be described in the following way: The customary method for dealing with current issues require the main bodies or representatives from government, market and civil society to come together democratically and reach a consensus. These practices are initiated and conducted voluntarily by the concerned citizens and stakeholders within a civil society. The idea of such an ideal social system was once envisioned by the great social theorists of the 17th and 18th centuries to replace the one that existed during the Middle Ages.

We interpret that ideal as a vision of "The Civil Society." This idea becomes more valuable in the post-Cold War era and this paper aims to discuss how that ideal society can embody the characteristics of the high modernity of the 21st century. The Reflexive Consensus System, which operates on the "R+PAD Governance Model"—"R" stands for "Representative", "P" stands for "Participatory", "A" stands for "Associational" and "D" stands for "Deliberative"—is absolutely critical to resolving the ever-deepening tension amongst various sectors in Korea, but its overarching principles can generally be applied to any democratic and mature society as well.

II. What is "The Civil Society?"

We are going use the notion of civil society in double sense. One, a component of the usual division of state—market—civil society; the other, the ideal society as a whole where social consensus between state-market-society is constructed smoothly and systematically. This paper call the former 'civil society', that latter 'The Civil Society.' The relationship is shown in the following diagram (Kim, 2003).

The Civil Society

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        state


market        civil society
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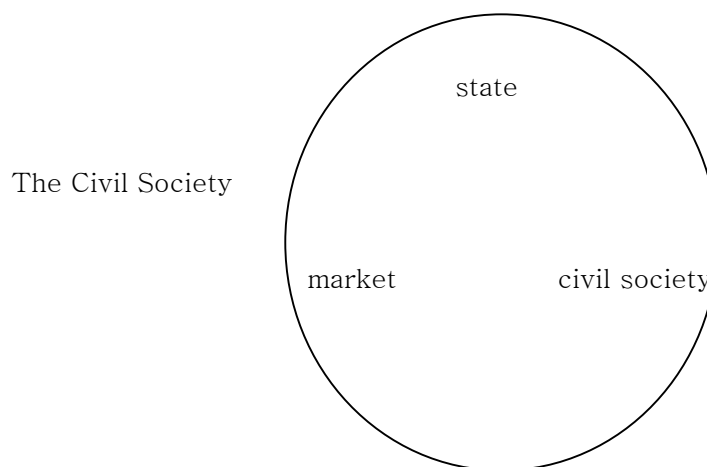
<Figure 1> The Civil Society and civil society

The reason for the dot representation of the three lines within the circle, instead of the solid lines, is to symbolize their interconnectedness, rather than their isolation or exclusivity. If one realistically considers the current situation, the reason for the dot representation becomes quite clear. When we consider civil society in the modern context, it can be said that citizens are both consumers and vendors of products and labor, respectively. And as citizens of a nation, they exercise their rights during elections and

have a say in the process of forming government policies. Thus, state and market are closely interrelated in the workings of the system. For example, if the market principles were not supported with legal regulations, i.e., any transactions from trade or economic relations were conducted apart from that fundamental premise, the system would simply fail to work. As such, state—market—civil society is deeply interrelated. The idea of The Civil Society is based on that understanding. This is neither an absolutely novel idea; historically speaking, since the inception of the notion of civil society the underlying meaning had already been established. This paper attempts to discover and reconstruct that underlying meaning of 'The Civil Society.' In this regard, we can say that even though the idea of The Civil Society is not absolutely novel, it has to be recovered through theoretical interpretation.

Fundamentally, the notion of civil society underscores "a civilized society." Such idea is foreshadowed in the backdrop of emerging modernity. Historically speaking, the term civil society was a conceptual expression that meant society as a whole in modern sense. The etymology of the word "civil society" and its usage in Europe was derived from the 13th entury Latin translation, *societas civillis* (civilized society), of *koinonia politike* (meaning "political community") of Aristotle's *Politics*. From the 16th century, the French version *societas civilis, societe civile,* was widely used. The first English translation of *societas civillis* and *societe civile*, civill societie, soon appeared (Colas, 1997).

During the Middle Ages, the ecclesiastical church and militarized feudal lords dominated the world. The idea of civil society introduced at the beginning of the Modern Age stood for a 'civilized' society replacing the barbaric, militaristic, or ecclesiastical one of the Middle Age. Thus at the beginning, the term civil society did not imply the idea of 'civil society' separated from the state. During the period between the 16th and 18th centuries, for example, the word 'commonwealth' was used synonymously with civil or political society. Hobbes in *Leviathan* used the term commonwealth alternately with civil society. Locke used "political society" or "commonwealth" to convey the notion of civil society in *The Second Treatise on Civil Government*. Thus, for Hobbes and Locke, "commonwealth" and "civil society" are actually the same.

In this paper, the term "The Civil Society" is used in the same context as was first conceived in the early modern Europe; it attempts to resurrect the innovative definition first realized at that time. Further expanding on that premise, the word "Civil" in The Civil Society reflects the civilized, polite and well-ordered society that includes the state—market—society framework. The rebirth of the definition used between the 17th and 18th centuries represents an organic relationship between state and civil society. Furthermore, the definition also emphasizes the interrelatedness of market(or economic sector) and civil

society as well. This point takes prominence in the 18th century when the underlying notion of "commercial society" spreads throughout the masses. Until the 18th century, the implications of the term 'commerce' and 'commercial society' were quite different from those of today.

Montesquieu in *Spirit of Law* argued that 'commerce' exerts great influence over the standard of civilization, morale, etiquette, manners and even one's habits, and that it has the power to bring about cultural change. He argued that because commerce allows for broader cultural exchanges, it helps to civilize the society and the world. He also claimed that isolated cultures are rigid and quite exclusive and thus unrefined or uncivilized. Montesquieu did not use "commerce" only to represent the exchange of material wealth; instead, he used it in the broad context of cultural alternation. During the 17th and 18th centuries, the word "commerce" (in English and French) actually meant cultural intercourses as well as material exchanges (Montesquieu 1949; Hirshman 1977).

A similar school of thought appears in the writings of yet another notable figure of the 18th century, Adam Smith. We need to remember that Smith is the author of not only *Wealth of Nations* but also *The Theory of Moral Sentiments.* He was an accomplished philosopher in ethics, a prominent theorist of jurisprudence, and an elegant prose writer. Smith's *Wealth of Nations* contains more than just arguments about how pursuits based on self-interests enhance the wealth of a nation. The other notable argument that often goes unnoticed in this monumental work is how highly critical Smith was of the practices of the privileged mercantilists of his time. He denounced the government's absolute control of the economy and how it conspired with privileged, monopolizing merchants to pave the way for mercantilism based on a system endorsed by an absolutist government (Smith, 1981, 1979). He argued that this system is not only authoritarian in nature, which suppresses freedom, but is also inefficient and economically unproductive. Furthermore, it dries up people's ethical standards, enslaving the unprivileged. The privileged uses their status of monopoly to enforce the less- or unprivileged to succumb to their arbitrary demands.

Theoretically speaking, economic exchanges and transactions made in free market are not supposed to depend upon any kind of ascriptive conditions like ethnicities, nationalities, religions, and social status. Thus when Smith mentions 'commercial society' he mainly stresses the egalitarian situation of the market. Critics of capitalism have not sufficiently considered Smith and Montesquieu's arguments regarding the progressive and civilized aspects of the market. Even though their criticism against the mechanisms of capitalist market that worsen inequality of classes is basically valid, they tend to ignore to

evaluate the counter-tendency of modern social systems to maintain the equal term including market. When Smith emphasized sympathy towards others in *The Theory of Moral Sentiments*, we need to consider the fact that his arguments were based on the Montesquieu's understanding of the 'commercial society.' That is, Smith considered commercial society as kind of a quasi-ethical network of people who has the capacity of sympathy toward others and thus intentions to improve the situation of them. Therefore, Smith's arguments of sympathy and commercial society can be interpreted to contain some clues to alleviate the ever-deepening problems of class stratification.

We can say Smith may foresaw the end of the system operating under privileges based on an absolute government, the vestige of the Middle Ages. A new era and a new society, which Smith called commercial society, was emerging, replacing the old system. Smith saw the principles of the commercial society developing in his time and was certain of what was to come. We need to take heed the message that springs forth from the tips of his brush: Smith strongly advocated the destruction of a system that runs on special privileges, which was dominant during the Middle Ages, and acceptance of the new free and equal civil society. His message was certainly not the one embraced by the Absolutist mercantalists to protect their economically vested rights.

We can summarize the discussion above in the following ways: Civil Society symbolized the transitional phases of the new social order, from the hierarchical privileged to the civil and democratic. Thus the notion of The Civil Society embraced the idea of a commercialized system based on free exchange and promoted a national system that allowed for social contracts between individuals. The idea of social contract in the free market traces its roots to a system relatively devoid of traditional ascriptive ties so a society founded on such ideals differed dramatically from the traditional system. Based on equal relations, The Civil Society (*Societas Civilis*) stands for a civilized, polite and well-ordered society, and offers an innovative school of thought replacing the medieval social order. The Civil Society described here is a novel social project that embraces the innovative ideology rooted in history.

III. A Model of Existing Relationship between state—market—civil society and its limitations

The purpose of this paper is to establish the ideals of civil society and to successfully develop them in the context of globalization in the 21st century. It is an attempt to actively form a new relationship between state, market and civil society and these ideas will be discussed in-depth in Section IV. But before we proceed, we must first examine the old prevailing models that define the relationship between state, market and civil society.

These theories will be covered in a discussion of the "statist-authoritarian" and "interests-bargaining" models in the subsequent pages.

1. Statist-Authoritarian Model and Its Flaws

Hobbes's State-Civil Society theory is the prototype of the statist-authoritarian model. The State in this model possesses exclusive and indivisible powers over the entire society. This model is based on the authoritarian representative system and minimizes the participatory factor. Thus, any citizen participation is limited to the polls and once the ballots are counted, all authority and power is then transferred over to the elected party and official. In this model, the election process itself, written on the basis of the constitution and the law of a nation, is minimized and is levied with the universal, public and secret-based principles of free election.

In reality, this model represents statist corporatism (which includes Nazism and Fascism), state socialism and developmental dictatorship. A similar model was prevalent in Korea prior to the 90s. In the societies under fascism, the state promotes and organizes all social standings on which the society and the economy operate. All unionized organizations from the various social strata are managed under the exclusive rights and power of state. Soviet type socialist regimes have attempted to go further: to abolish the price-finding function of the market. In both systems, civil society would not exist because all matters are handled by state without any input from the citizens. These state-led mass organizations do not allow for citizens to share ideas or opinions; it is a form of control used to monitor people's activities.

At a glance, the statist-authoritarian model may appear to disharmonize; but it can utilize the ideology of *laissez-faire* free marketism for its legitimacy. This trend of advocating the free market order is completely different from instituting fairness, transparency and social responsibility of corporations; instead, it exclusively demands an ideal environment for more profits of corporations. It is a coalition of *laissez-faire* corporatism and statist-authoritarianism. In reality, such a coalition can only translate into a corporate system that only seeks profit and imposes harsh policies on other social classes. Examples of these models are soft fascism and developmental dictatorship. Korea operated under a similar system during the 70s and 80s.

This model, which minimizes citizen participation, is referred to as the *Elitist Model of governance*. The cardinal points of this model can be summarized as follows: Any major political or social policies should not consider ambiguous public opinion. Instead, solely the

well-trained and qualified elite should handle all matters to yield the maximum benefit for all. A looser interpretation of the elitistist theory argues that since all feedback from state and civil society is mediated through elections, the feedback should be restricted to this medium. Public officials are elected through a freer methodology. As such, these elites should carry out their duties using intelligence and discernment, and pursue national interests when participating in debates and the decision-making process.

Problems of this model are as follows: first, state exclusively run by the elites tend to go near to authoritarian or dictatorship system. Second, we cannot exclude the dangers of bureaucratism warned by Max Weber. Third, suspicions arise as to whether decisions made from such a process are fair, appropriate and efficient.

Let us suppose that the system is indeed authoritarian or based on a dictatorship. If there is a Philosopher King, with high intelligence and moral character, there won't be any problems. Such a system was idealized in the beginning of ancient civilization. In this realm, this figure will teach the inhabitants how to live the most meaningful and fruitful lives. Let us assume the existence of such Philosopher King and that the teachings are truly beneficial and valuable. But such an ideal world does not coincide with our current state. As Kant sharply pointed out, our life is not lived fixated on one particular teaching or doctrine; the ability to determine the meaning and value of life lies in the individual's conscience (Kant 1993). Furthermore, our freedom cannot be dictated and emphasized by the guidance of some superior other. Needless to say, in our reality, groups of average elites do exist, who are vulnerable to putrefaction and corruption. Our own experiences, as well as the history, clearly tell us that the wise men, even with their knowledge and wisdom, could fell into the swamp of corruption, if they were given exclusive power.

On the same note, there is another myth: if such a high bureaucratic group, armed with public responsibility and loyalty, was established, there wouldn't be any problems. But what Max Weber points out as the central problems of bureaucratic system is not the quality of bureaucrats but the unintended consequences of bureaucratic rationalism and professionalism (Weber 1978). The more national policy decision-making is concentrated on bureaucracy, the greater the likelihood of standards on which affairs are judged and executed exclusively on means-ends rationalities, excluding the feedbacks from citizens related to the policy.

For those reasons discussed above, we have question the validity and legitimacy of statist-authoritarian model. Can it achieve justice and efficiency as well? Perhaps due to efficiency, it may appear to have clear, strong points. But in this fast-paced modern society,

change-causing factors vary widely and decisions made by this elitist group do not necessarily guarantee efficiency. For example, the issues of developing *Sae-man-geum* and forming *Wi-island* as the nuclear waste disposal site in Korea demonstrates a scenario where the elite faced a major setback as they hurriedly tried to resolve the issues. The policy environment of these days is quite different from that of developmental dictatorship when there did not exist much counteractions or feedbacks from civil society. Nowadays, in every case and policy, there are many concerned and active individuals as well as an increased tendency for unintended consequences and post-effects of externality. Such phenomena are characteristic of high modernity and in this situation, statist-authoritarian model loses its ground.

The limitations of the statist-authoritarian model we've discussed previously can also be applied to international situation. Even at the level of international politics, Hobbesian theory of sovereignty is being challenged. National security matters and international economic ties require greater cooperative efforts from the international community. Unbound global capitalism frightens even the superpowers. Also, international terrorism is fundamentally reshaping the national security environment. As a result, new models are being developed which include commonality and inclusive sovereignty (Beck 1999; Held et al. 1999). The most well developed model to date is the European Union and its introduction of common currency and unified constitution. Sovereignty in such a model is no longer bound to the administrations of designated nations. Such occurrences predict the construction of global civil society in order to supplement an international system empowered by international states (Turner 1998; Kaldor 2003).

2. Interests-bargaining Model and its Limitations

The interests-bargaining model symbolically assumes a more pliable and flexible relationship between state-market-civil society than the statist-authoritarian model. This model encourages a pluralistic approach for organized interests and seeks to practice democracy on rational participation, i.e., through negotiations and conversations, when dealing with pluralistic situations of interest groups. The theoretical basis of pluralism of this model is based on Dahl's classical writings (Dahl 1961, 1967). Currently in Korea, there is a transition from the statist-authoritarian model to the interests-bargaining model, where the relationship of state-market-civil society is interlocked. The word *interest groups* used here includes not only the corporate groups but also various vocational groups and civil associations. If we focus on regulating powers of those big interest groups and the states, it becomes either plural corporatism or soft corporatism. Two elements are added to this

model: participation and association. But this model also has limitations. Even in our modern society, there is a gradual increase of conflict deepening amongst various interest groups. Such occurrences have been painfully felt and deeply experienced during 60s and 70s in Europe and American.

On the one hand, this model is superior to the statist-authoritarian model in that it permits the commitments of civil associations in the policy making process. But it still denotes a fundamental problem in that the direction of policy making is determined by a power struggle between interest groups. This problem can be summarized in the following question: Could there be appropriate, mutual, and reasonable agreement from organized bargaining of interests? Examining this very question illuminates the very significance and limitation of this model. When we consider the many possibilities, answers resulting from such endeavors seem pessimistic or yield obvious limitations. The kinds of circumstances this question anticipates can be divided into three scenarios. These scenarios assume that even subjects involved with public policy —political parties, politicians, departments within the government, public officials, and on a larger scale, even the government itself — look to fulfill interests of their own. This assumption is theorized by Public Choice Theory[1].

<Case 1>: If the organized interest groups are diverse enough to include all relevant stakeholders and conduct interests-bargaining fairly, sincerely and transparently (What Habermas calls the "Ideal Speech Situation"), we may suppose that such a possibility can exist. In a process where all members involved with interests-bargaining carry out fair and sincere negotiations, such endeavors can properly illuminate the issues at hand on a wider and deeper perspective. As a result, the interest groups can reflect on the situation reciprocally and holistically. "Reflecting reciprocally" here does not mean "reflecting on oneself" as an ethical obligation but instead stands for a process of reviewing everyone's demands multilaterally in order to offer mixed and constructive feedback. The result is the operation of deliberative reflexivity and output that closely resembles justice.

However, even at a theoretical level, we can assume that it would be difficult for all interest groups to deal with all sides of the issues with sufficient amount of attention and care. This problem is analogous to mathematicians' satirical proposition that states, "Any puzzle can be solved if given plenty of time." In reality the crux of the issue is quite important. No matter how great the solution, if too much time is required to solve the problem, the result itself becomes meaningless and the method absurd. The aforementioned mathematician's proposition has its following: "Life is short."

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[1] This stance is explained by the principles of "maximization of utility" and "self-interests." It derives its arguments from public domains turned economical postulation. See Downs (1957), Buchanan and Tullock (1962), Buchanan (1967) for additional classical works on this particular stance.

<Case 2>: Hypothetically, even if there was an instance where sufficient amount of time is granted for the adjusting process to take place, the result from such endeavors can completely overthrow the theoretical premise. Likewise, the lengthy and complicated negotiating process is not indicative of the rational, proper and mutually agreed attainment through *deliberative reflection*. Instead the diverse interest groups already in existence may merge to become a small number of large interest groups. The possibility of such a scenario unfolding is quite high since organized interest groups already have predetermined goals. According to Habermas, the "Ideal Speech Situation" rarely occurs amongst organized interest groups. The bargaining process between interest groups usually takes place via "pushing and shoving" instead of practicing reasons. All organized interest groups should take heed of an old Korean saying, "Don't start low from Kwa-chon before actually arriving at Seoul" (which translated means, "Don't be low too early in bargaining or negotiation"). As a result, *strategic reflection* dominates over *deliberative reflection*. If at some point, an interest group does not feel confident in achieving its agenda, that group will seek out alternative ways to accomplish its goal. In circumstances where many interest groups exist, several groups will try to merge with more influential groups to get what they want. If such practices become more common, then only a small number of dominating large interest groups will survive. Similar to the *Situation of Warring States in Ancient China*, if such circumstances persist, all the theoretical premises would fall apart and the bargaining processes would be left to the remaining minority, the dominating large interest groups, and perhaps the strongest one in the end.

<Case 3>: In reality, there are no circumstances where there are sufficiently many organized interest groups in every issues and arenas of the interests . Instead on most issues—density and manner may vary—people will form subjective feelings based on limited knowledge or align themselves to "standards" fabricated on non-coherent or mutually contradictory information. In such circumstance, the views of a minority of dominating large interest groups cannot fully reflect the true concerns of those groups. Varying interests will always exist that are completely different from the interests of other groups. Also, there are no preventive measures to even out the power and influence held by the minority groups. As a result, attained agreement means utilizing a limited part of the concerned groups and that too reflects an uneven power distribution; it is difficult to securely sustain the settled agreements. There must be active management to prevent any problems after the fact, and in the event of a major conflict, agreements can be reversed. However, this can lead to a scenario of lost efficiency and justice.

<Final Judgment>: If we compare all three instances, Case 1 is the most ideal. But

Case 1 involves the important factors of time and efficiency, and assumes the most ideal conditions and progressions. Therefore, it is also that much more unrealistic. The next ideal scenario is Case 2. With the cohesion of a small number of interest groups, ultimate agreements may mean that all efforts were made with compromises. Such endeavors reflect the work of repeated and accumulated consent of concerned groups related to the interest groups. Thus, such results may have a reverse effect due to repulsions and also have the problems related to time and efficiency. Here again, such a premise seems unlikely. Lastly, Case 3 shows the low ratio of justice coinciding with the attained agreement. Here also is a great possibility to spend too much time and waste resources to maintain and sustain the agreements. Like Cases 1 and 2, it too may lose the time and efficiency factors, both of which are the supreme advantages of Cases 1 and 2. Ultimately, Case 3 contains the most flaws in regards to time, efficiency, expenses and justice, however it is also the most realistic scenario.

What these examples show us is that in dealing with social friction, "bargaining through organized interest groups" is not the most useful option for our current situation. The problems within the interests-bargaining model may allude to Hobbesian statist-authoritarian model. But this path is definitely misleading; you fall into the bosom of a lion while trying to escape from a hungry wolf. We need to look beyond the statist-authoritarian and interests-bargaining models to a future-oriented model. Such an approach retains the strengths of the interests-bargaining model and reinforces the inherent weaknesses with other viable principles. The advantages of the interests-bargaining model can be described as the affirmative recognition of the civil society's activeness and the market's pluralistic association. On the other hand, limitations refer to the actual "bargaining practices of the interest groups." These limitations must be overcome by principles of mutuality and an organization based on public knowledge to overcome the narrow pursuits of those groups' bargaining practices.

IV. Characteristics of High Modernity

In the previous pages, we looked at the limitations of the statist-authoritarian and interests-bargaining models. If we consider the environmental characteristics of what we're currently experiencing in terms of policies and its effects, we can have a clearer understanding of those models' limits. The current times clearly expose the limitations of those models. Such conditions are not exclusive to the specific regions in Korea; it extends universally throughout the world. What these developments explain is that at the core, the speed in which the policies and the feedback from citizens travel is rapidly increasing. Sociologists explain this phenomenon as the characteristics of "high modernity." Social

theories of "Post-industrial Society," "Information Society," "High-tech Society," "Risk Society" and "Reflexive Society" are indicating the core factors that have reshaped our era (Giddens 1990; Beck 1992, 1998).

The prediction that advanced professionalism and high-tech society would make the average citizen passive and unable to adapt is no longer accurate. Rather, we are experiencing the opposite effect. During the time of developmental dictatorship, it is difficult to imagine the issue of developing tidelands, hills, and waterways, for instance, to pique the interest of the whole nation and all concerned citizens. But as more scientific professionalism is added and influences the policies, the level of feedback received from citizens will likely increase. The primary reason is because "external factors," not considered or unanticipated, lead to unwanted consequences and may pose greater problems. What is worse is that those "external factors" are becoming the very issue themselves, causing quite a controversy. Issues like nuclear waste or genetically engineered foods are examples of social denunciations against the backdrop of greater social issues. The professional circles divide upon those very same issues. The second reason is that citizens are able to access greater information on these issues. With technology advancement, Internet, and a little effort, anyone can now become a quasi-professional on various issues. As a result, there are more "actors" on the social stage, the quasi-professionals as well as the experts, raising concerns and voicing complaints. This phenomenon is the very beginning of concerns and opinions becoming more diversified, covering more depth and breadth. As a result, we see the emergence of "critical citizens" in high modernity, unlike the passive citizens of the past (Norris 1999).

Sociologists call this phenomenon "Increasing Reflexivity" (Giddens, Beck, et al.). "Reflex" means a reaction of nerves; however, in this context, we are including another dimension to the word: a conscious self-introspection or systematic feedbacks. Thus the idea behind *reflexivity* contains dual function: systematic feedback and conscientious self-introspection. High modernity strengthens the importance of self-introspection on those premises. Prior to the modern era, most occurrences were either based on traditions or customs. Even the changes within traditions or customs took a great deal of time but what is interesting is that for us to be aware now of those changes in our conscience requires much effort. So at this very level, it seems as if the fate of humans and their society are fueled by some unknown yet immutable and natural principles. These so-called natural principles, in modern society, are replaced by principles built on artificiality. When we examine industrial society, we see the science, speed, and breadth that affect our day-to-day lives. This in turn accelerates the changes taking place around us to another level. Just like the principle of cause and effect, when artificiality is strengthened and the level of

speed increases, systematic and conscientious opposition to such new phenomena will deepen in its intensity and cover more area. As mentioned earlier, the reason for this is because knowledge based on artificiality will grow and people will take greater precautions to these effects. This then triggers greater study in dealing with issues with increased density and consistency.

Reflexivity then means that knowledge pertaining to all social phenomena is integrated during the progression and unfolds in order to change the outcome. In other words, the following cyclical process in social phenomena—knowledge pertaining to social phenomena—that knowledge through intervention yields new social phenomena—is reproducing itself. For instance, if we label the issue of tideland development as a social phenomenon and this phenomenon yields a model—"developmental model"—which takes into consideration all environmental and economical value for developing the tideland, the actions are then based on knowledge and interest of this phenomenon. This pooled knowledge on this phenomenon will then transform the old model into a new form.

If we look at the situation mentioned above from the past when all policy-making decisions were monopolized by the government, such phenomenon may seem as if policy making was infinitely difficult. That is, the process may have been unproductive and decision making indecisive, yielding only a series of debates and arguments. Before we start criticizing that perspective, however, there is a greater problem that we all need to consider. It is important to note from all the situations we referred to above that they are not random, single course of events. Rather, they are structurally high modern and consequently have a long-term effect. If we ignore the structural components and consider reflexivity solely to infer decisions from the external side of the cyclical chain, then we will only find a temporary escape (even though we're suspicious of just how long "temporary" might be), and not a permanent alternative. We must seek resolution internally within the cyclical chain.

We need to examine the alternative model and its effects and results. The idea here is to place the decision making process within the link of reflexivity or a reflexively mutual structure. Using the tideland development example again, what is most important from the beginning is that when devising a plan, we must draw forth ideas from the reflexivity domains. First, take the primitive outlook of the development and present it to the established professional groups and selected regions so that discussion can begin. Then, establish a model after it passes through the deliberation process. All of this will take longer than the time it would take some government business affairs department to deal with it independently. But if the task is pursued in such a fashion, within a set framework, there may come forth

some unseen advantages. One advantage is that such an approach is open to unexpected changes and is resilient. Big projects are prone to such unexpected changes, and if there are many instances of change, this approach may be productive. If those in charge of the project are leaders of public consensus and changes occurring become problematic, then such problems will yield minimal disruption. This point is related to the long-term stability of the overall project. That is, any project that is placed within the reflexivity mutual structure has from the start relegated responsibility; therefore, the progression of the project and its result ensures stability. Such advantage is in sync with political legitimacy as well as long-term efficiency on housing development.

The ever-deepening breadth of reflexivity is not limited to the local or national level but covers the global arena. Reflexivity is in sync with the compression of time in information, technology, and transportation reform. As a result, the desserts in Inner Mongolia, the primitive forest in the Amazon, and the livelihood of Seoul's citizens are all linked together. International NGOs' wide-ranging interests and their aggressive activities are gradually appearing in the backdrop of Korean society, such as foreign policy and economic situations. Foreign relations today face plenty of new conflicts, which would have been unexplainable in the context of Cold War Antagonism. The dynamics of foreign relations are constantly changing as well as the kinds of issues being raised in those institutions. Even the problems within foreign policy are exposed to unintended consequences. Corporation management and economic policies likewise share similar dilemmas. The phrase "heightened challenges and risks," which has been used habitually by policy makers in both government and corporations (a buzz word), is the very manifestation of a concern over unintended consequences in high modernity. The recent arguments about 'market failure,' 'government failure,' and 'the emergence of the third sector' reflect these changes. (Salamon and Anheier 1997)

What these phenomena suggest in light of this discourse is that there must be a way to establish preventive countermeasures to deal with heightened risks and dangers. These countermeasures also need to consider state-market-civil society and apply to the society as a whole. More specifically, we need to share the responsibility of unintended consequences should they occur and try to minimize the challenges and risks. Sharing responsibility means strengthening qualitative participation in the policy making process. This is what's known as "strengthening of systematic reflexivity" amongst Sociologists. In all phases of the decision-making process, we should increase the level of sensitivity overall and support it with legal codes to strengthen the livelihood of rotation and operations of the system. This countermeasure is called the "R+PAD Governance Model" or the "Reflexive Consensus System.

### V. R+PAD Governance Model (Reflexive Consensus System)

Here we will examine the deepening tension between interest groups and the outputs of unintended consequences from the progressions of high modernity. There are four alternate models or systems that would complement the strengths and overcome the shortcomings of both the statist-authoritarian and interests-bargaining models: the representative model, participatory model, associational model and deliberative model. These will be presented in order to construct a new relationship between state-market-civil society.

1. Characteristics of R, P, A, D and their relationship

In order to enhance our understanding of the R+PAD Governance Model, we must first conduct a detailed analysis of the acronyms R, P, A and D, and how each was defined and functioned in the past. The representative approach is an embodiment of democracy embraced by nations with a large population. From a democratic perspective, the representative system is fundamentally a form of restricted participation; thus, it is a restrained democracy. This representative system boasts its strength by entrusting the experienced and qualified representatives to carry out the deliberation process over pending social issues. However, should this system adapt or become influenced by the exclusive, monopolizing character of the statist-authoritarian model, it can seriously jeopardize the fairness of the system.

Quantitative participation is critical in the representative system. Quantitative participation is reflected through election results, the number of votes obtained. Schumpeter theorized this model in his classical work (Schumpeter 1947). The roles between the policy makers (elites) and those who vote for the policy makers (voters) are clearly distinguished. Even in the interests-bargaining model, that fundamental distinction is difficult to overcome. In the interests-bargaining act, bargaining of interests becomes the very manifestation of democracy; therefore, it prioritizes rationalities and formal representatives over the deliberation process or pursues democratic means to an end.

In short, the R+PAD model attempts to complement the restricted quantitative participation found in interests-bargaining or Hobbesian model with qualitative participation. So, the basic idea of associational and deliberative democracy is in essence a part of the qualitative participation methodology. If we display the relationship between the participatory, representative, associational, and deliberative democracy in a graph, it would look like this:
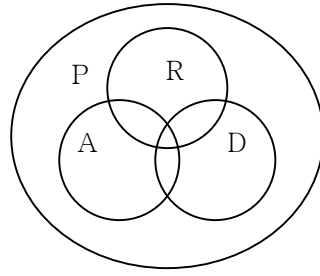
<Figure 2>: Relations between participatory (P), representative (R), associational (A) and deliberative (D) aspect of democracy.

The overlapping relationship of the three constituents—R, A and D—was alluded to in the previous discussion. In any representational system, in order to elect its representatives, it presupposes a certain degree of associational element in the beginning and again during the election process itself. It also triggers the deliberative function to a certain degree during the representative's decision-making process.

The Hobbesian Model, in the figure above, is represented by the circle "R" excluding the areas that overlap with the circles "A" and "D." The interests-bargaining model applies to the whole circle "R." The R＋PAD model, on the other hand, is represented through all three circles of "R," "A," and "D." The link between the three inner circles within the big circle "P" represents the overlapping domains of the political, legal and systematic phases of democracy in the most expansive way.

The reason Figure 2 above represents the R＋PAD model is because the participatory (P) constituent within the overall representative (R) model is strengthened[2] and has the added associational (A) and deliberative (D) constituents added to the idea of democracy. Stated in a different way, it can be said that only when the representative (R) model is complemented with the PAD constituents, can appropriateness and efficiency be achieved in high modernity. During the process of supplementing the representative model with qualitative participation, the participatory and associational constituents cover the breadth of the decision-making practices, or the "formal" aspect thereof, whereas the deliberative constituent deals more with the decision-making approach or methodology, the "contents" aspect. Naturally, the "formal" and the "contents" aspect are mechanically linked and not severed.

The way associational constituent accomplishes the task of expanding qualitative

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[2] See Barber (1984) for additional information on inclusive theoretical positions on strengthening participatory constituent democratically.

participation is by using the following approach. Within the democratic system, the participatory element supports the principle of sovereignty of people with substance, and the associational constituent sets the framework for participatory consensus and matures its overall quality. Only when the foundations of associational constituent in a voluntary culture are strengthened, can participation be protected from any undesirable, momentary, accidental, isolated, or mob-like behaviors. Tocqueville persuasively argued the importance of a voluntary, associational system forming the groundwork on which the right practices of democracy stand. From his point-of-view, in a democratic society where ideology fuels and strengthens equality, it may induce isolation or atomization of individuals, and when these isolated individuals rule over other atomized individuals within democracy, it could paradoxically paved the way for yet another scenario of emerging dictators. Tocqueville believed that Europe around the beginning of the 19th century was an ideal place for such phenomenon to occur, especially in his country, France. What he experienced in newly emerging America was a unique, traditional, and political culture, which he thought at the time could prevent the rise of a new dictator from atomized individuals. From *Township*, where town citizens gathered to debate and mediate on all town-related issues and resolved public matters cooperatively through democratic means, Tocqueville observed that Americans were used to such practices of forming civil groups through associational practices. He argued that even though individualism is embraced and cultivated, it does not lead to isolated, mob-like tendency, and thus allows people to exercise their political freedom through voluntary, associational practices[3].

There has been mounting criticism of Tocqueville and how he idealized America and its practices in order to propose an antidote for the problems in France. However, even if that was the case, many don't deny the importance of his political stance — the role of voluntary, associational practices to create a sustainable democratic system. Needless to say, this type of voluntary, associational political culture needs the support and practice from the masses in order to be truly effective. Even if these practices become diverse, the possibility of leaders from the upper class monopolizing such operations and converting it into yet another form of "authoritarian elitism" is not completely out of the picture. Recently, two American sociologists, Skocpol and Fiorina, conducted a study on the participating citizens of associational practices between 1970-1980 and found out that most of them fell prey to upper class-oriented "civil movement without citizens." They point out that such movement became another form of the elitist profession, scattering and minimizing grass-root participations (Skocpol and Fiorina 1999).

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[3] For more information on theory of associational democracy, see Tocqueville (1945), Durkheim (1992), Cohen and Roger (1992), Hirst (1994, 2001), Hirst and Bader (2001).

Deliberative constituent, on the other hand, is based on the same premise of participatory and associational elements, but also seeks to enhance the quality of participation. Stated in another way, participatory and associational culture can be considered the fertile soil of democracy and the well thought out deliberative system the flowers growing on such soil. It also acts like manure to fertilize the soil. The deliberative constituent was widely experimented in European and American societies, and it is comprised of *Consensus Conference, Scenario Workshop, Citizen Jury, Negotiated Rule-Making*, and *Deliberative Polling*. The unique characteristics in these systems is that each component extracts a sample of populace to secure fairness, and on such a group, they obtain consensus based on fair and considered information. This group, then, evaluates the information in the feedback process before policies made from such sources are enforced. The advantage of this system lies in the fact that it reflects the consensus of the opinions and views from the entire population, rather than relegating leaders from various interest groups to monopolize with decisive powers. The ways to obtain the sample group are two: one, random sampling, the other, via public advertisement. The strength of the deliberative factor can be found in the fact it can overcome the limits of the participatory and associational constituents as well as the politics and inner struggles of interest groups through the fair and just viewpoint in Rawlsian sense.[4] If the deliberative element works well with the participatory and associational components, it can prevent and disperse heightened challenges and risks during the decision-making process, and also spread out the responsibility over unintended consequences, jointly and democratically.

At this juncture, let us critically compare the PAD model with the existing corporatist or the win-win negotiations approach. The win-win negotiations approach is by far a more "closed" system than the PAD model. Because subjects of the win-win negotiations (usually comprised of representatives of large organizations) usually look for public measures after allowing overlap of viewpoints from all sides, they usually bring ulterior motives, such as "self-interests" or "self-stance," to the negotiating table, which remains unchanged until the end of negotiations. The PAD model, on the other hand, assumes the possibility of completely changing one's stance at the negotiation table from the influence or consideration of other participating members. The representatives from this group also assumes the possibility of having to persuade the group they represent, should the need arise. The participants of the PAD negotiations can consist of representatives of groups or may even come from a group of randomly chosen citizens. What these two methods have in common is that both groups of participants are relieved of obligation to "represent" their organization and, instead, are able to participate in the negotiation through discussion, optimizing fairness.

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[4] For more discussion on deliberative democracy, see Habermas (1984, 1987, 1996), Rawls (1971, 1993), Fishkin (1991, 1995), Elster (1998), Bohman and Rehg (1997).

As a result, with everyone's input, they can all share the responsibility for their actions. This PAD is based on the premise of systematic reflection through deliberative negotiations; it has many similarities to the "reflexive governance" (Hoekema 2001). We will refer to reflexive governance as "reflexive consensus governance" and <R+PAD Governance>, <Reflexive Governance> and <Reflexive Consensus Governance> all share similar context.
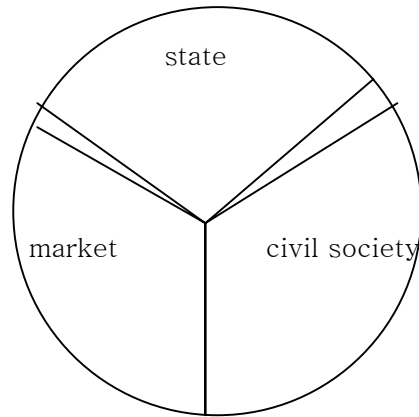
In Figure 2, the big circle P is located outside the R, A, D circles because we need to consider other diverse forms of direct action that exist out of legal boundary. For instance, certain actions of the Automia Movement[5] in Italy were illegal, thus located out of the three circles of RAD, still they were surely a form of participatory democracy. Some kind of those direct actions (like violent occupation of public building etc.) could be denounced as 'anti-social', but some of those could upgrade or intensify the content of RAD from the circles of RAD through a very conscientious method (like civil disobedience).

The limits of participation lie in the individual and private domains. Certain parts of those domains are synonymous with the legal or systematic assurance domain, but are differentiated from the so-called "democratic" public or political domains. The outer line of P is perforated to show the double-sided relationship of the two: On one side, it is distinct (public/private) while the other side is connected or related to the other (legal, systematic assurance). Of course, the dividing lines between public and private are not absolute. Private domains should be explicitly distinguished from public domains in the sense of receiving protection and a sense of security, but when that isn't achieved or experienced, the unprotected and unsecured areas of individual rights will undoubtedly surface as public agenda. The recent issue of recognizing homosexuals and transsexuals' social rights is an example. In Figure 2, the progression can be seen by imagining one proceeding from the outer ring of participatory constituent, gradually entering the participatory domain, and finally penetrating the RAD domain. In other words, an individual "comes out" or takes part in a limited and restricted activity as a symbolic act of entering into the participatory domain. And in the event that such activity or movement develops or matures, it will gradually pass through the associational constituent and into the deliberative institutional process. Following this course, fragmented individual rights reach the legal system and then most doers or participants are able to exercise their individual rights in their world (turn-back). To sum, Figure 2 represents the relational aspect between participatory, representative, associational and deliberative constituents of democracy, and relationship between the private and public domains. It also displays their dynamic and circular linkage with each other.
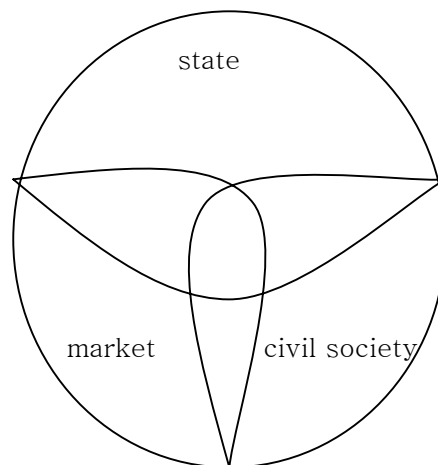
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[5] A movement that originated in Italy stands for bottom-up free activity movement of the mass.

2. The reflexive relationship between State-Market-Civil Society

   If we represent such relationship through another diagrams, they look like the following:

<Figure 3: Relationship of state-market-civil society in the old prevailing model>

<Figure 4: Relationship of state-market-civil society in R+PAD Governance model>

   Figure 4 represents the advanced, developed model of Figure 3. In Figure 3, state, market, and civil society are distinct and isolated from each other. In Figure 4, they are overlapped and interrelated to each other; in other words, they are in reflexive relationships. We can see, in Figure 4, the state domain interconnecting with market and civil society, and the domains of market and civil society returning back to the linked state domain. Such is

the case of participatory activity in operation today. When the agents of market and civil society participate in the policy making process of relevant issues within their pertinent domains, it strengthens the authority of the state, not weaken it. When the state receives proper feedback, i.e., knowledge based on accurate information, and the parties concerned fully understand the issues at hand, from agents of the market and civil society domains, the state can then upgrade justice, responsibility and even efficiency in the overall policy making process, inviting participation from the concerned parties. Such process can allow the policy to properly reflect the status of concerned parties on the issues and share the responsibilities such policies with a greater number of involved agents. Also, such process entrusts complex policies and its necessary investigation as well as the decision-making process to the parties concerned from the relevant domains and considers examination over the administrative practices.

Also in Figure 4, we see the domains of market interconnecting with the domains of state and civil society, and vice versa. This explains the rising demands inside and out for corporation's social responsibility and corporate ethics.[6] It also represents the privatization of some state-owned corporations. Furthermore, Figure 4 reflects the phenomena that state and civil society are actively engaging to upgrade the fairness, transparency and responsibility of the market. Lastly, it further illustrates the activities of NGOs and NPOs interconnecting civil society with state and market.

The R+PAD Governance Model is identical to the Reflexive Consensus System or Reflexive Governance. In these reflexive models, the roles of parties at various levels are quite important. In the pre-existing representative model, the basis of legitimacy comes from representation. From this viewpoint, some has questioned the legitimacy of NGOs, because they don't apparently have voters they represent. However, within the Reflexive Consensus System, the basis of legitimacy is not only on representation but the compact or partnership between relevant agencies as well. These legitimate bases of compact and partnership should be stabilized and supported by legal codes.

VI. Conclusion

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[6] The intensity of such tendency may vary within a single nation since within every country, the corporation's social responsibility may be rooted in cultural climate and differences may exist thereof. Recently, at the global level, such bearings were being emphasized. In 1999, the UN Secretary General, Kofi Anan's motioned project of Global Compact is such an example. It is a system that networks the various departments of UN with corporations, labor organizations and civil society who are following the 10 principles (In the beginning there were 9 principles but one more was added to a total of 10 at the 2004 Global Compact Symposium) that are divided into four parts: Human Rights, Labor Standard, Environment and Semi-putrefaction.

The R+PAD Model, or the "Reflexive Consensus System," needs to essentially materialize and be supported by legal codes. The matter of supporting democratic participation with legal code has been brought up continuously from the leaders of Korean civil movements (Park 2003). The government likewise has attempted that kind of legislation. The Act of Administrative Procedure and Information Publicity in 1998, the act Citizen Legislation Initiative in 2000, and the act of Citizen Lawsuit suggested in 2004 are some of the examples. This paper attempts to propose an overall theoretical framework for those reforms. While supporting the direction of those reforms, this paper argues that they have to be expanded and deepened. However, detailed legal discussion is beyond the scope of this paper. This paper limit itself to a broad theoretical outline for furthering such legislative reforms.

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